THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 11557 OF 2007

Dated 25th July, 2007

Between:

V.Manasa

…Petitioner

And

The Government of Andhra Pradesh,
represented by its Principal Secretary,
Education Department, Secretariat Buildings,
Hyderabad and others.

…Respondents.

ORAL ORDER:

This writ petition is filed by a student, represented by her natural guardian and father, seeking a declaration that the action of the respondents in denying the admission to the petitioner into the I Class for the academic year 2007-08 in the second respondent – Hyderabad Public School, at Begumpet, Hyderabad is illegal and arbitrary.

The petitioner had applied for admission into I Standard in Hyderabad Public School and she appeared for the written test conducted on 4.3.2007 to shortlist the candidates. She was shortlisted and called for medical test on 24.4.2007. She attended the said test on 24.4.2007 from 4.30 p.m. to 5.30 p.m. It is stated that, on enquiry, the petitioner was informed that the Medical Board assessed the petitioner as having over-age to be admitted into I Class in Hyderabad Public School, and, therefore, she was not selected as per the rules of admission.

The Hyderabad Public School is a society registered under the Societies Registration Act and admissions to the various classes are governed by the Rules and Regulations in respect of Registration, Admission and Withdrawals of Pupils (hereinafter referred to as "the Rules"). As per the rules of admission, a candidate seeking admission to I Class should have been born after 31 May, 2001 but before 31 May, 2002 i.e. should have completed 5 years of age as on 31.5.2007 but should not have completed 6 years of age as on that date. As per Rule 6 (e) of the Rules, appearance before the Medical Board constituted by the School for physical fitness and verification of age is absolutely necessary and the decision of the Medical Board shall be final in all respects.

In this case, the petitioner claims to have studied U.K.G. during the academic year 2006-07 in Chandrika Upper Primary School, Bukkapatnam, Anantapur District. It is stated that the date of birth of the petitioner is 21.10.2001 and she was aged about 5

years 7 months 10 days as on the notified date. In support of her age proof, she relied on the certificate issued by the Chandrika Upper Primary School, Bukkapatnam and also the Date of Birth Certificate issued by the Deputy Mandal Revenue Officer, Bukkapatnam dated 24.2.2007. It is the grievance of the petitioner that as much as the proof of date of birth is governed by the documentary evidence i.e. School Certificate where the petitioner last studied and also the certificate issued by the Deputy Mandal Revenue Officer under the provisions of the Registration of Births and Deaths Act, 1969, it is not open for the respondents to deprive the petitioner of her admission into I Class in the second respondent-school based on the medical test conducted on 24.2.2007.

Counter affidavit is filed on behalf of the Hyderabad Public School by its Principal, wherein, while generally denying the allegations of the petitioner, it is stated that as per the Rules of Admission, appearance before the Medical Board constituted by the school is made compulsory for all those students seeking admission in the school. It is stated that as per the Rules of Admission, the decision of the Medical Board is final. It is stated that in the past, it has been the experience of the school that children with false certificates of date of birth are admitted into the school which resulted in disparity among the students studying in the same class. It is also stated that to maintain unanimity and similar age group in a particular class, all the candidates are subjected to age verification by the Medical Board and the Medical Board comprising of an E.N.T. Specialist, Dentist, School Medical Officer and Pediatrician has assessed the age of all the applicants. Further, stating that the petitioner has not produced any certificate from the competent authority, the guardian of the petitioner has filed an affidavit at the first instance stating that the date of birth of the petitioner was not registered with the authorities as per the provisions of the Registration of Births and Deaths Act.

It is submitted by Shri L.Ravichander, learned counsel appearing for the second respondent – school that the in-house procedure, which is prescribed in the Rules is followed uniformly for all the students and in view of the past experience, to maintain unanimity among the students in the I Class the medical test was conducted and it is not that the test was conducted only to the petitioner. It is stated that merely because the petitioner did not come up for selection on the ground of over-age, it cannot be said that there is arbitrariness on the part of the respondent-school in not selecting the petitioner.

The second respondent-school has filed a copy of the affidavit filed by the father and guardian of the petitioner before it. In the said affidavit, it is stated that there is no documentary proof with regard to the date of birth of the petitioner. Though it is the case of the petitioner that the petitioner was born on 21.10.2001, but, only in the month of February, 2007, application was made for registration of the birth of the petitioner for making necessary entry in the Register of Births. When application was made, report was called from the local Mandal Revenue Inspector, who, in his report dated 16.2.2007, a copy of which is filed along with the counter affidavit by the respondents, categorically stated that the date of birth of the petitioner is not entered in the Register of Births. Even the Mandal Revenue Officer while addressing the Revenue Divisional Officer, Penukonda has accepted for the entry of date of birth of the petitioner as 21.10.2001 mainly on the ground that the residents have expressed no objections for registration of date of birth of the petitioner by mentioning her date of birth as 21.10.2001. From the said report, it is evident that the registration of the date of birth of the petitioner is effected only based on the report of the Mandal Revenue Inspector and the Mandal Revenue Officer that the date of birth of the petitioner is stated to be in the year 2001. No steps have been taken for registration and the petitioner's father has filed affidavit stating that the petitioner's age was not recorded in the

Register of Births. Though, in normal course, a certificate issued by the authority under the Registration of Births and Deaths Act is accepted, but, however, as it is stated that in view of the experience of the respondent-school that a large number of students are claiming admission basing on false certificates, a team of doctors is constituted for the purpose of assessing the age of all the applications. When the Rules of Admission provide for such a verification of age by the competent medical team and when such team has assessed the age of all the applicants who were shortlisted in the written examination, it cannot be said that the said assessment or action is illegal and arbitrary. Even from the records available, the date of birth of the petitioner was not registered immediately after the birth of the petitioner and as much as the registration is recommended only on the ground that residents have not objected, there is no basis for the petitioner to seek declaration as prayed for in the writ petition. When the Rules of Admission specifically provide for verification of the age and physical fitness by a team of doctors constituted in that regard and the said team conducted the test and gave its decision, which is final, it cannot be said that there any illegality or irrationality in the said decision. Moreover, such test was conducted to all the students shortlisted in the written test for admission, which indicates that there is no arbitrariness against any one of the students.

In that view of the matter, I do not find any illegality, which warrants interference by this court. The writ petition is dismissed at the stage of admission. No costs.

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25--7—2007 **R.SUBHASH REDDY, J.**

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